

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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THEODORE PEARLMAN and MARC TELL,
Individually and on behalf of all others similarly
situated,

Plaintiffs,

- against -

CABLEVISION SYSTEMS CORPORATION,

Defendant.
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ORDER

CV 10-4992 (JS) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

By letter dated September 3, 2014, plaintiffs request limited relief from the expert deposition deadline of September 30, 2014. DE 133. Specifically, plaintiffs seek a stay of the deposition of Elizabeth Losinski pending resolution of plaintiffs' motion to strike Ms. Losinski's testimony, which is presently pending before Judge Seybert. *Id.* Defendants oppose the application on the grounds that (1) plaintiffs' request is "improper forum-shopping" because plaintiffs have already sought the identical relief in their motion to strike before Judge Seybert; (2) plaintiffs' motion is procedurally improper because it invites this Court to "usurp Judge Seybert's authority to decide the motion" pending before her; and (3) if the Court does entertain plaintiff's letter motion, it should be denied on the merits. DE 136.

After consultation, Judge Seybert has directed that this Court handle plaintiffs' request to stay Ms. Losinski's deposition, notwithstanding the fact that the relief sought is also part of plaintiffs' motion to strike. After reviewing the submissions of both sides, the Court finds there will be no prejudice to defendants if the stay is granted. The Court therefore finds it appropriate to have Judge Seybert rule on the pending motion to strike before the deposition of Ms. Losinski

proceeds. Accordingly, Plaintiffs' motion to stay the deposition of Ms. Losinski until that time is GRANTED.

SO ORDERED.

Dated: Central Islip, New York
September 22, 2014

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge